Calendar No. 660

99TH CONGRESS
2d Session

SENATE

REPORT
99-309

PROVIDING FOR THE USE AND DISTRIBUTION OF FUNDS APPROPRIATED IN SATISFACTION OF JUDGMENT AWARDED TO MEMBERS OF THE MISSISSIPPI BAND OF CHIPPEWA INDIANS WHO ARE MEMBERS OF THE MINNESOTA CHIPPEWA TRIBE IN DOCKET NUMBERED 18-S BEFORE THE INDIAN CLAIMS COMMISSION, AND FOR OTHER PURPOSES

MAY 21 (legislative day, MAY 19), 1986.—Ordered to be printed

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Mr. ANDREWS, from the Select Committee on Indian Affairs, submitted the following

REPORT

[To accompany H.R. 1904]

The Select Committee on Indian Affairs, to which was referred the bill (H.R. 1904) providing for the use and distribution of funds appropriated in satisfaction of judgment awarded to members of the Mississippi Band of Chippewa Indians who are members of the Minnesota Chippewa Tribe in docket numbered 18-S before the Indian Claims Commission, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

H.R. 1904 would provide for the use and distribution of funds appropriated in satisfaction of judgment awarded to members of the Mississippi Band of Chippewa Indians who are members of the Minnesota Chippewa Tribe in docket numbered 18-S before the Indian Claims Commission.

BACKGROUND

On November 23, 1977, the Indian Claims Commission entered a final award to the Chippewas of Lake Superior and Mississippi in the amount of $8,516,128.32 in Docket 18-S. This award was to be divided two-thirds among the Chippewas of Lake Superior and one-third among the Chippewas of the Mississippi. On March 10, 1978, pursuant to 31 U.S.C. 724a, as amended, funds were appropriated to cover this award. The award in Docket 18-S represents additional compensation for some 10.5 million acres of land in northern

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Wisconsin and the upper peninsula of Michigan, which were ceded to the United States by the Lake Superior and Mississippi Chippewas under a treaty of October 4, 1842. The Indian Claims Commission found that the promised consideration of $875,000 was grossly inadequate. As of May 31, 1985, after payment of litigation expenses and with earned investment income, the award amounted to $16,277.81.

H.R. 1904 only provides for the use and distribution of the award given to the Mississippi Band of Chippewas. The portion awarded to the Lake Superior Band will be distributed under other legislation.

The Mississippi Band is an historic entity which does not exist today as an organized tribe. The modern day successors in interest to the historic Band are: the White Earth Band, the Mille Lacs Band and the Leech Lake Band. The respective shares of the Mississippi Chippewas under Docket No. 18–S will be apportioned among these three bands. All three bands are members of the Chippewa Tribe of Minnesota, their tribal members are all enrolled with the Chippewa Tribe of Minnesota and all three reservations are located in Minnesota.

LEGISLATIVE HISTORY

H.R. 1904 was introduced by Congressman Oberstar on April 2, 1985. The bill was referred to the House Interior and Insular Affairs Committee for consideration. On July 31, 1985, the House Interior and Insular Affairs Committee held a mark-up on the bill and the bill was ordered reported favorably. H.R. 1904 was passed on October 7, 1985. On October 9, 1985, H.R. 1904 was received in the Senate and referred to the Select Committee on Indian Affairs. The Indian Affairs Committee held a business meeting on May 14, 1986, at which time it ordered the bill reported favorably, with no amendments. Although hearings were not held on H.R. 1904 by the Select Committee on Indian Affairs, hearings were held in the 98th Congress on S. 2177, a bill that provided for distribution of the judgment funds in dockets numbered 18–S and 18–U. The Committee on Interior and Insular Affairs also conducted a hearing on the distribution of the judgment award in docket numbered 18–S, when the provisions for its distribution were included as part of H.R. 5733. Neither of these bills was acted upon before the conclusion of the 98th Congress.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

The Select Committee on Indian Affairs, in open business session on May 14, 1986, with a quorum present recommends by a unanimous vote that the Senate pass H.R. 1904, without amendment.

SECTION-BY-SECTION ANALYSIS

Section 1. Provides that notwithstanding any other provision of law, the funds appropriated for the Indian claims judgment awards in Docket 18–S for the Chippewas of the Mississippi shall be used and distributed according to this Act.

Section 2. Provides that the respective shares of the Mississippi band in Docket 18–S shall be divided by reservation affiliation as follows: (1) Mille Lacs Reservation: 569/7624, (2) White Earth Reservation 6431/7624, and (3) Leech Lake Reservation 624/7624. This apportionment is made on the same basis as under a previous Secretarial plan which became effective in 1979 for awards to the same groups under Dockets 18–C and 18–T. That apportionment was made on the basis of the various bands relative populations for the period 1937–1941.

Section 3. Provides that the apportioned shares of each reservation mentioned in section 2 shall be used as follows: eighty percent of the funds shall be distributed per capita to the tribal members who are enrolled with the historical band designation for which the award was made and twenty percent of the funds shall be held in trust for the tribal government of the reservations until needed for use and distribution under a tribal plan which has been approved by the Secretary.

Section 4. Has four subsections. Subsection (a) provides for the protection of per capita shares given to minors or incompetents. Subsection (b) provides that funds distributed under this Act shall be exempt from State or Federal taxes or considered as income for the purpose of determining eligibility under the Social Security Act or other Federally assisted programs. Subsection (c) provides that residue funds from the per capita distribution shall revert to the tribal governing body of the respective tribal groups. Subsection (d) provides that no person shall receive more than one per capita share under this Act.

COST AND BUDGETARY CONSIDERATIONS

The cost estimate for H.R. 1904, as provided by the Congressional Budget Office, is outlined below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 19, 1986.

Hon. MARK ANDREWS,
Chairman, Select Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1904, an act to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Chippewas of the Mississippi in docket numbered 18–S before the Indian Claims Commission, and for other purposes, as ordered reported by the Senate Select Committee on Indian Affairs, May 14, 1986.

We expect that no additional costs to the federal government or to state or local governments would be incurred as the result of enactment of this legislation. The act would specify the manner of the use and distribution of funds previously awarded to the tribe.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT STATEMENT

Paragraph 11 (b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that H.R. 1904 will have a minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The legislative report on H.R. 1904 was not received from the Department of Interior by the Committee before the filing of this report.

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